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7
8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11
12 CALifornians for Renewable Energy, a
13 California non-profit public benefit
14 corporation representing California
consumers and its counsel, Stephan C.
Volker,

15 Plaintiffs,

16 v.

17 California Public Utilities Commission,
18 Michael R. Peevey, in his official and
19 individual capacity, Dian Grueneich, in her
20 official and individual capacity, John Bohn, in his
21 official and individual capacity, Timothy Simon, in his
22 official and individual capacity, and
23 Geoffrey Brown, in his official and
individual capacity,

24 Defendants.

Case No. C08-01954-JL

**STIPULATION TO EXTEND TIME
FOR (1) DEFENDANTS' RESPONSE
TO THE FIRST AMENDED
COMPLAINT (2) BRIEFING AND
HEARING ON THE DEFENDANTS'
MOTION TO DISMISS, (3) INITIAL
DISCLOSURES AND DISCOVERY
PLAN, (4) ADR PROCESS, AND (5)
CASE MANAGEMENT
CONFERENCE DEADLINES AND
[PROPOSED] ORDER THEREON**

JUDGE: HON. JAMES J. LARSON

26 Plaintiffs CALifornians for Renewable Energy, and Stephan C. Volker, and
27 defendants California Public Utilities Commission, Michael R. Peevey, Dian
28

1 Grueneich, John Bohn, Rachelle Chong and Timothy Simon (collectively,
2 “defendants”) hereby stipulate to the following:

3 1. It is stipulated that the briefing schedule for the filing the Defendants’
4 Motion to Dismiss to the First Amended Complaint:

5 August 13, 2008 - Defendants’ Motion to Dismiss First Amended

6 Complaint

7 September 8, 2008 - Plaintiffs to file Opposition to Defendants’ Motion

8 September 24, 2008 – Defendants to file Reply to CARE Opposition

9 October 8, 2008 - 9:30 a.m. hearing before the Hon. James Larson

10 on the Defendants’ Motion to Dismiss

11 2. It is further stipulated that defendants’ counsel, Darwin Farrar, has accepted
12 service of the First Amended Complaint on behalf of the CPUC and all named
13 individual Commissioners, except for former Commissioner Geoffrey Brown. The
14 defendants do not waive their rights to challenge the Court’s jurisdiction or any
15 sovereign immunity rights the defendants may have under the U.S. Constitution
16 and/or federal statutes.

17 4. It is further stipulated that the deadline for the parties to meet and confer
18 regarding initial disclosures, early settlement, Alternative Dispute Resolution
19 (“ADR”) process selection and discovery plan, and to file the parties’ Joint ADR
20 Certification with stipulation to ADR process or notice of need for ADR phone
21 conference, shall be extended from August 27, 2008 to November 19, 2008, in order

1 to accommodate the extended hearing and briefing schedule on defendants' motion to
2 dismiss the First Amended Complaint.

3 5. It is further stipulated that the deadline for the parties to file their Rule 26(f)
4 Report, complete initial disclosures or state objections to the Rule 26(f) Report and to
5 file their Case Management Statements per Standing Order re Contents of Joint Case
6 Management Statement, shall be continued from September 25, 2008 to December 4,
7 2008 likewise to accommodate the parties' agreement to extend the time for briefing
8 and hearing on the CPUC's motion to dismiss.
9

10 6. It is further stipulated that the Initial Case Management Conference shall
11 be continued from October 1, 2008 to December 10, 2008, likewise to accommodate
12 the parties' agreement to extend the deadlines for briefing and hearing of the CPUC's
13 motion to dismiss.
14

15 7. Further, it is stipulated and agreed that the August 13, 2006 hearing on the
16 pending motion to dismiss, previously filed by the defendant CPUC, should be taken
17 off calendar.
18

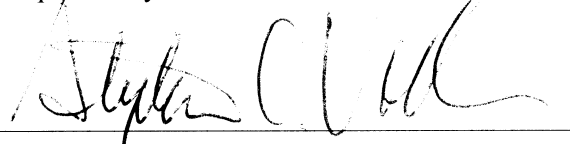
19 Pursuant to section X of Northern District of California General Order 45,
20 undersigned counsel for plaintiffs attests that the concurrence in the filing of this
21 document was obtained from Mr. Darwin E. Farrar, counsel for defendants, on July
22 21, 2008.
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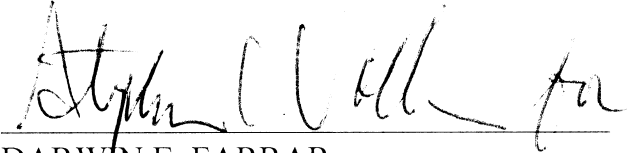
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2 DATED: July 21, 2008

Respectfully submitted,

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11 

12 DARWIN E. FARRAR
13 LIONEL B. WILSON
14 HELEN W. YEE
15 California Public Utilities Commission
16 505 Van Ness Avenue
17 San Francisco, CA 94102
18 Counsel for Defendants

19
20 **[PROPOSED] ORDER**

21 IT IS SO ORDERED.

22 DATED: _____, 2008

23 _____
24 JAMES L. LARSON
25 U.S. MAGISTRATE JUDGE
26
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